UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CELLULAR SALES OF MISSOURI, LLC

and

Case 14-CA-094714

JOHN BAUER

ORDER DENYING MOTION

The Respondent's Motion for Summary Judgment is denied. The Respondent has failed to establish that it is entitled to judgment as a matter of law.¹

Dated, Washington, D.C., May 9, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

rejected.

¹ The Respondent contends that the Board lacks a quorum because the President's recess appointments are constitutionally invalid, and therefore the Board has no authority to hold a hearing or otherwise render a decision in this proceeding. For the reasons stated in *Bloomingdale's Inc.*, 359 NLRB No. 113 (2013), these arguments are